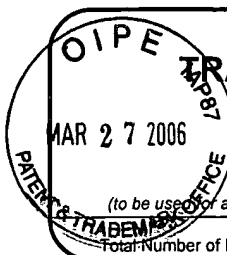
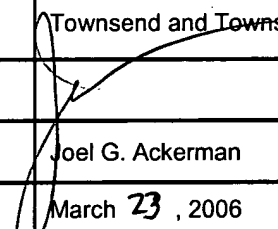
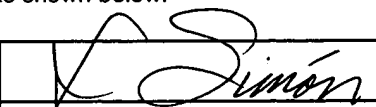


AG
JFW

	TRANSMITTAL FORM		Application Number	09/536,932
			Filing Date	March 27, 2000
			First Named Inventor	Pettipiece, Kenneth J.
			Art Unit	2877
			Examiner Name	H. Lee
			Attorney Docket Number	002558-060520US
Total Number of Pages in This Submission			3	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
<input type="checkbox"/> Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Joel G. Ackerman		
Date	March 23, 2006	Reg. No.	24,307

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Lois M. Simón	Date	March 23, 2006



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 23, 2006.

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Lois M. Simón

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE –
EXAMINING GROUP 1641

PATENT

Docket No.: 002558-060520US

Client Ref. No.: BRP00081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenneth James Pettipiece and
William Bradshaw Amos

Application No.: 09/536,932

Filed: March 27, 2000

For: SPECTRAL IMAGING
APPARATUS AND METHODOLOGY

Examiner: Hwa S. Lee

Art Unit: 2877

RESPONSE - REQUEST FOR
RECONSIDERATION UNDER 37 CFR
1.116 EXPEDITED PROCEDURE
EXAMINING GROUP 1641

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 30, 2005, Applicants respectfully request reconsideration and reexamination of this application on the basis of the points below.

Claims 31-37, all of the claims pending in this application, stand rejected as obvious over McNamara et al. in view of Cabib et al., Ryan et al. and Hock.

McNamara et al., Cabib et al. and Hock were discussed in the last Response. The rejection of claims over them was overcome by pointing out that they did not disclose first passing the light for illumination of the sample through a filter and condensing optics.

To remedy this omission, the examiner has cited Ryan et al. as showing a UV light source and condensing lens prior to a sample, and also states that Cabib et al. show a filter for their light source.

Applicants submit, however, that neither reference supplies the missing elements.

Cabib et al. disclose filters only with respect to the detector, not with respect to light being transmitted to the sample. Column 3 lines 21+ speak only of using filters in general; column 10 lines 6+ refer to filtering radiation from the source to the detector and column 12 lines 15+ discuss a filter to prevent scattered or reflected radiation from the source directly reaching the detector where it would interfere with emissions from the source or sample. This reference does not disclose using a filter for light being transmitted from the source to illuminate the sample.

Ryan is cited as showing a UV light source and a condensing lens prior to a sample. The examiner did not specify where in Ryan this is disclosed; Applicants presume that column 5 lines 29-35 was meant. However, this disclosure refers to a combination filter and lens used to process light from a light source prior to its being fed into an interferometer that is located in line ahead of a sample, so that the filter and lens are not used to filter light that is used to illuminate a sample. In Ryan et al. the light modulated by the interferometer is then used to illuminate the sample.

Applicants submit, therefore, that the current claims are not rendered obvious by the four-reference combination proposed by the examiner (and that the need for four references to construct this rejection further emphasizes the unobviousness of the claims) and requests issuance of a Notice of Allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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